IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2905 OF 2006

Shivaji Shikshan Prasarak Mandal .... Petitioners

versus

State of Maharashtra & ors. ... Respondents.

Shri A.M.Joshi for the petitioner.
Shri P.P.Kakade AGP for Respondent.

CORAM; V.G. PALSHIKAR &
V.R. KINGAONKAR, JJ.

DATED; 28TH APRIL, 2006.

P.C:

1. By this petition, the petitioner has impugned the order passed by the Education Officer withdrawing the permission granted to the petitioner society to suspend its employee the Head Master.

2. The contention is that the Education Officer concerned is not certain as to whether permission should be granted or not and is therefore of facilitating mind and therefore as a consequence thereof should withdraw the consent earlier granted. However, the learned counsel appearing for the petitioner has brought to our notice a Full Bench

decision where it has categorically laid down that in certain cases, a trust or management of a school shall have the power to suspend an employee teaching or non-teaching without prior permission of the Education Officer and certain obligations should be followed, on such suspension being made. In such situation the right of the petitioner to suspend its emplpyee is consequently clear. In such circumstances, we see no reason to interfere with the order impugned. Hence petition dismissed.

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